

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-447-EG
September 10, 2009

In Re: Petition to Establish Docket to)	
Consider Implementing the Requirements of:)	
)	
Section 1307 (State Consideration of Smart)	STIPULATION
Grid) and Section 532 (Energy Efficiency)	
Programs) of the Energy Independence &)	
Security Act of 2007)	

This Stipulation (“Stipulation” or “Agreement”) is made by and among the South Carolina Office of Regulatory Staff (“ORS”); Piedmont Natural Gas (“PNG”); Lockhart Power Company (“Lockhart”); Progress Energy Carolinas, Inc. (“Progress”); Duke Energy Carolinas, LLC (“Duke”); and South Carolina Electric & Gas Company (“SCE&G”) (collectively referred to as the “Parties” or sometimes individually as a “Party”).

WHEREAS, the Public Service Commission of South Carolina (“Commission”) opened this docket to consider standards set forth in the Energy Independence & Security Act of 2007 (“EISA”);

WHEREAS, the Commission allowed time for public comment and intervention;

WHEREAS, the Parties listed above submitted testimony in this docket on August 4, 2009;

WHEREAS, Wal-Mart Stores East, LP, and Sam’s East, Inc., (collectively “Wal-Mart”) and Nucor Steel – South Carolina (“Nucor”) are parties to this proceeding, but did not file testimony and are non-signatories to this Stipulation;

WHEREAS, Wal-Mart and Nucor have no objection to this Stipulation and do not plan to make an appearance at the hearing in this matter;

WHEREAS, no other testimony was filed;

WHEREAS, the Parties to this Stipulation are parties of record in the above-captioned docket. There are no other parties of record in the above-captioned proceeding except Joseph Wojcicki and CMC Steel South Carolina;

WHEREAS, the Parties have requested to present witnesses as a panel;

WHEREAS, the Parties have engaged in discussions to determine if a Stipulation would be in their best interest;

WHEREAS, following these discussions the Parties have each determined that their interest and the public interest would be best served by agreeing to matters in the above-captioned case under the terms and conditions set forth below:

1. The Parties agree to stipulate into the record before the Commission the direct testimony and exhibits of the following fourteen (14) witnesses without objection, change, amendment or cross-examination with the exception of changes comparable to those which would be presented via an errata sheet or through a witness noting a correction.

(i) ORS witnesses:

1. M. Anthony James
2. Carey M. Flynt

(ii) PNG witness:

1. Pia K. Powers

(iii) Lockhart witness:

1. Bryan D. Stone

(iv) Progress witnesses:

1. Laura A. Bateman
2. Rebecca S. Harrison
3. B. Mitchell Williams

(v) Duke witnesses:

1. Jeffrey R. Bailey
2. Donald H. Denton, III
3. Jane L. McManeus

4. Robert A. McMurry
 5. Richard G. Stevie, Ph.D
- (vi)SCE&G witnesses:
1. Julius A. Wright, Ph.D
 2. Randal M. Senn

2. The Parties agree that the standards set forth in EISA and the subject of this docket should not be adopted as such standards have already been adopted and encouraged by the Commission, and therefore no action by the Commission is required at this time.

3. The Parties further agree that it would not be in the best interest of the Parties or customers for a specific standard, particularly a rate design standard, to be adopted and uniformly applied to all South Carolina investor-owned utilities.

4. Accordingly, the Parties agree that if the Commission finds its current processes, which comport with EISA standards, should be amended or that the standards should receive further consideration, the Parties agree that such standards should be addressed on a company-by-company basis to allow flexibility.

5. The Parties agree this Stipulation is reasonable, in the public interest and in accordance with law and regulatory policy.

6. ORS is charged with the duty to represent the public interest of South Carolina pursuant to S.C. Code §58-4-10(B) (Supp. 2008). S.C. Code §58-4-10(B)(1) through (3) reads in part as follows:

“...‘public interest’ means a balancing of the following:

- (1) Concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
- (2) Economic development and job attraction and retention in South Carolina; and
- (3) Preservation of the financial integrity of the State’s public utilities and continued investment in and

maintenance of utility facilities so as to provide reliable and high quality utility services.”

7. The Parties agree to cooperate in good faith with one another in recommending to the Commission that this Stipulation be accepted and approved by the Commission as a fair, reasonable and full resolution in the above-captioned proceeding. The Parties agree to use reasonable efforts to defend and support any Commission order issued approving this Stipulation and the terms and conditions contained herein.

8. This written Stipulation contains the complete agreement of the Parties. There are no other terms and conditions to which the Parties have agreed. The Parties agree that this Stipulation will not constrain, inhibit or impair their arguments or positions held in future proceedings, nor will the Stipulation or any of the matters agreed to in it be used as evidence or precedent in any future proceeding. If the Commission should decline to approve the Stipulation in its entirety, then any Party desiring to do so may withdraw from the Stipulation without penalty.

9. This Stipulation shall be interpreted according to South Carolina law. The above terms and conditions fully represent the agreement of the Parties hereto. Therefore, each Party acknowledges its consent and agreement to this Stipulation by affixing his or her signature or authorizing its counsel to affix his or her signature to this document where indicated below. Counsel’s signature represents his or her representation that his or her client has authorized the execution of the agreement. Facsimile signatures and e-mail signatures shall be as effective as original signatures to bind any party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Stipulation.

WE AGREE:

Representing and binding the South Carolina Office of Regulatory Staff

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Nanette S. Edwards, Esquire

Shannon Bowyer Hudson, Esquire

South Carolina Office of Regulatory Staff

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Representing and binding Piedmont Natural Gas Company, Inc.

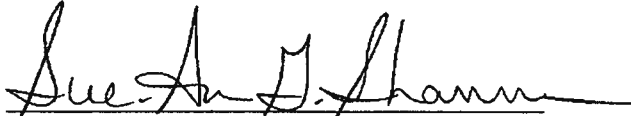


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WE AGREE:

Representing and binding Lockhart Power Company

A handwritten signature in black ink, appearing to read "Sue-Ann D. Shannon", written over a horizontal line.

M. John Bowen, Jr., Esquire

Sue-Ann Gerald Shannon, Esquire

McNair Law Firm, P.A.

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WE AGREE:

Representing and binding Carolina Power & Light Company, d/b/a Progress Energy Carolinas, Inc.



Len S. Anthony, Esquire

Carolina Power & Light Company, d/b/a Progress Energy Carolinas, Inc.

P.O. Box 1551

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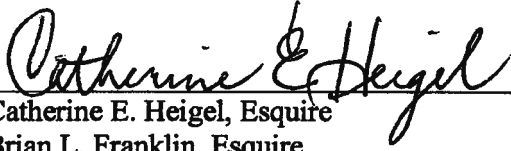
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WE AGREE:

Representing and binding Duke Energy Carolinas, LLC

A handwritten signature in cursive script, reading "Catherine E. Heigel", written over a horizontal line.

Catherine E. Heigel, Esquire

Brian L. Franklin, Esquire

Duke Energy Carolinas, LLC

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Phone: (704) 382-8123

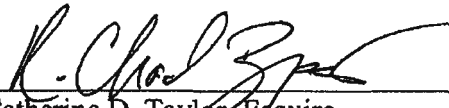
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Brian.Franklin@duke-energy.com

WE AGREE:

Representing and binding South Carolina Electric & Gas Company

A handwritten signature in black ink, appearing to read "K. Chad Burgess", is written over a horizontal line.

Catherine D. Taylor, Esquire

K. Chad Burgess, Esquire

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-447-EG

IN RE:)	
Petition of the Office of Regulatory Staff to)	CERTIFICATE OF
Establish Docket to Consider Implementing)	SERVICE
the Requirements of Section 1307 (State)	
Consideration of Smart Grid) of the Energy)	
Independence and Security Act of 2007)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **STIPULATION** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

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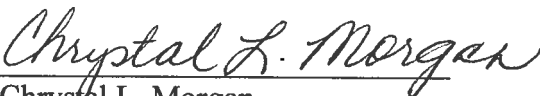
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Chrystal L. Morgan

September 10, 2009
Columbia, South Carolina